

2009AR00080

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Jerome B. Simandle, U.S.D.J.
v.	:	
	:	Crim. No. 09-626 (JBS)
DMITRIY SMILIANETS,	:	
	:	ORDER OF RESTITUTION
Defendant.	:	

WHEREAS, on or about September 15, 2015, defendant Dmitriy Smilianets pleaded guilty pursuant to a plea agreement with the United States to Count Two of an eleven count Second Superseding Indictment, which charged him with conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349;

WHEREAS, in the plea agreement, the defendant consented to make full restitution to the victims of the offenses of conviction;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, pursuant to Title 18, United States Code, Sections 3663, *et seq.*, the Court must order defendant Dmitriy Smilianets to pay restitution;

WHEREAS, good and sufficient cause has been shown,

It is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense charged in Count Two of the Second Superseding Indictment, to which the defendant Dmitriy Smilianets has pleaded guilty, the defendant shall make restitution in the total amount of \$302,012,000 in United States currency, to the victims of the offense of conviction, as set forth in the chart below. The Court will waive the interest requirement in this case. Payments should be made payable to the U.S. Treasury and forwarded to the Clerk of the Court in Trenton, New Jersey. For the following victims, restitution payments shall be distributed proportionately in the following amounts:

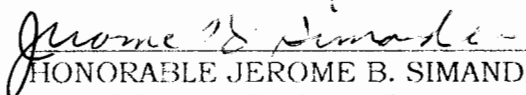
Victim	Restitution Amount
Heartland Payment Systems, Inc.	\$200,000,000
Dexia Bank Belgium	\$1,700,000
Euronet	\$8,000,000
Global Payments	\$92,000,000
Diners Club International	\$312,000

THAT, the amounts ordered represent the total amounts due to the victims for these losses. The defendant's restitution obligations shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sums of the amounts actually paid by all defendants have fully satisfied these losses. The following defendants in the following cases are jointly and severally liable for some or all of these losses and may be subject to a restitution order to some or all of the victims identified in the chart above: Vladimir Drinkman (Crim. No. 09-626) and Albert Gonzalez (09-10382).

IT IS FURTHER ORDERED that restitution is due immediately. The restitution shall be paid at a rate equivalent to \$300 every month.

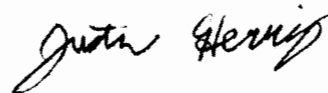
IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

ORDERED this 12th day of April, 2018.

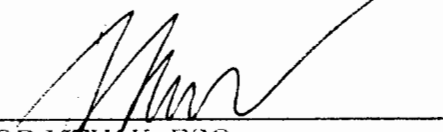

HONORABLE JEROME B. SIMANDLE
United States District Judge

The undersigned hereby consent to
the entry and form of this Order:

RACHAEL HONIG
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C. § 515


By: JUSTIN HERRING
Assistant United States Attorney

Dated: April 12, 2018


IGOR LITVAK, ESQ.
Attorney for Defendant Dmitriy Smilianets

Dated: 4/03/2018


DMITRIY SMILIANETS, Defendant

Dated: 4.3.18